



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/563,595

02/03/2006

Takeshi Takaha

2005_2066A

3212

513 7590 09/30/2010

WENDEROTH, LIND & PONACK, L.L.P.

1030 15th Street, N.W.,

Suite 400 East

Washington, DC 20005-1503

EXAMINER

SCHMIDTMANN, BAHAR

ART UNIT

PAPER NUMBER

1623

NOTIFICATION DATE

DELIVERY MODE

09/30/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com

coa@wenderoth.com

ADVISORY ACTION

DETAILED ACTION

This Office Action is in response to Applicant's proposed amendment and response after FINAL filed 16 September 2010.

3. Applicant's proposed amendment adding new limitations (changing the transition language from "comprising" to "consisting essentially of") in the proposed amended claim 13, the independent claim, presents a new issue for search and consideration by the Examiner since the limitation of the claims and scope of claims have been changed and would thus require a new search and new rejections.

Therefore, the proposed amendment After Final will not be entered.

11. ***Rejections Maintained***

Claim Rejections - 35 USC § 112

Applicant's arguments filed 16 September 2010, with respect to the rejection of claim 18 under 35 U.S.C. § 112, second paragraph, for indefiniteness, has been fully considered.

Applicant's arguments are directed towards the newly submitted amendment filed 16 September 2010, specifically towards the claim being amended to depend from claim 13". As stated above, the new limitations in the proposed amended claim 13 ("consisting essentially of), the independent claims, presents a new issue for search and

Art Unit: 1623

consideration by the Examiner since the limitation of the claims and scope of claims have been changed and would thus require a new search and new rejections.

Because the proposed amendment after Final has not been entered, the rejection of pending claim 18 is hereby **maintained**.

Applicant's arguments filed 16 September 2010, with respect to the rejection of claims 13-15, 17, 18, 20-22, 26, 27 and 30-35 under 35 U.S.C. § 112, second paragraph, for indefiniteness, has been fully considered.

Applicant's arguments are directed towards the newly submitted amendment filed 16 September 2010, specifically towards the claim being amended to delete the recitation "or its modification". As stated above, the new limitations in the proposed amended claim 13 ("consisting essentially of), the independent claims, presents a new issue for search and consideration by the Examiner since the limitation of the claims and scope of claims have been changed and would thus require a new search and new rejections.

Because the proposed amendment after Final has not been entered, the rejection of pending claims 13-15, 17, 18, 20-22, 26, 27 and 30-35 is hereby **maintained**.

Applicant's arguments filed 16 September 2010, with respect to the rejection of claims 13-15, 17, 18, 20-22, 26, 27 and 30-35 under 35 U.S.C. § 103(a) as being

Art Unit: 1623

unpatentable over Hausmanns in view of Bengs et al. as evidenced by IUPAC Gold Book has been fully considered.

Applicant has argued that the potato starch does not meet the limitation of a high molecular weight α -1,4-glucan because starch contains about 80% amylopectin. However, as stated in the previous Office Action, filed 17 June 2010, starch also contains amylose which is a linear, unbranched polysaccharide chain with repeating glucose disaccharides having α -1,4 bonds, which is thus an alpha-1,4-glucan by definition.

Applicant's additional arguments are directed towards the newly submitted amendment filed 16 September 2010, specifically towards the claim being amended to recite "consisting essentially of". As stated above, the new limitations in the proposed amended claim 13, the independent claims, presents a new issue for search and consideration by the Examiner since the limitation of the claims and scope of claims have been changed and would thus require a new search and new rejections.

Because the proposed amendment after Final has not been entered, the rejection of pending claims 13-15, 17, 18, 20-22, 26, 27 and 30-35 is hereby **maintained**.

The rejections of record in the Final Office Action dated 16 September 2010 are maintained, as indicated above, in the view of the proposed amendment After Final not entered, not persuasive to overcome all rejections of record.

Conclusion

In view of the rejections to the pending claims set forth above, no claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. BAHAR SCHMIDTMANN whose telephone number is 571-270-1326. The examiner can normally be reached on Mon-Thurs 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Shaojia Anna Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BAHAR SCHMIDTMANN/
Patent Examiner
Art Unit 1623

/Shaojia Anna Jiang/
Supervisory Patent Examiner
Art Unit 1623

Application/Control Number: 10/563,595
Art Unit: 1623

Page 6